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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,384	10/09/2003	Takashi Kamijo	032009	6397

38834 7590 02/01/2006

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EXAMINER	
FINEMAN, LEE A	

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,384	KAMIJO ET AL.	
	Examiner	Art Unit	
	Lee Fineman	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 November 2005 has been entered in which claim 1 was amended and claims 15-17 were added. Claims 1-17 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-9 and 11-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending

Application No. 10/871003. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are an obvious variation of the claims of copending Application No. 10/871003. One of ordinary skill in the art would interpret the limitation "a film" of copending Application No. 10/871003 to include either a single layer/monolayer film (as in the instant application) or a multilayer film.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8-9, 11-12 and 13-17 rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi et al., US 2002/0084447 A1.

Regarding claims 1 and 13-17, Taguchi et al. disclose an optical film/image display/polarizer (figs. 1-5) comprising a monolayer film (page 5, section [0035]) having a structure having a minute domain (aggregates, see also page 18 sections [0132]-[0135]) dispersed in a matrix (binder polymer, see page 19, sections [0148]-[0152]) formed of a translucent water-soluble resin (see page 19, section [0152]) including an iodine light absorbing material (page 5, section [0043]); wherein the minute domains and the iodine light absorbing

materials are dispersed throughout the matrix (page 5, section [0035] and [0043] and page 18, section [0133]).

Regarding claims 2 and 3, Taguchi et al. further disclose wherein the minute domain is formed of an oriented birefringent material (page 5, section [0035]), which is liquid crystalline (page 18 sections [0133]) and therefore shows liquid crystalline properties.

Regarding claims 8 and 9, Taguchi et al. further disclose wherein the minute domain has a length of 0.05 through 500 μm in a direction perpendicular to the direction of an axis showing a maximum refractive index difference between the birefringent material forming the minute domain and the translucent water-soluble resin (page 18,sections [0135] and [0139]; and wherein the iodine light absorbing material has an absorbing band at least in a band of 400 through 700 nm wavelength range (page 15, sections [0128]-[0129] and table 2).

Regarding claims 11 and 12, Taguchi et al. further disclose wherein the polarizer is a polarizing plate (page 18, section [0144]) with a transparent protective layer (page 20, section [0164]) formed at least on one side of the polarizer.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. in view of Ito et al., International Patent Publication WO01/55753A.

Taguchi et al. further disclose wherein a transmittance to a linearly polarized light in a transmission direction is 80% or more (see page 18, section [0144]). Taguchi et al. discloses the claimed invention except for a haze value 5% or less and a haze value to a linearly polarized light in an absorption direction is 30% or more. Ito et al. disclose a polarizing film with minute domains, wherein a transmittance to a linearly polarized light in a transmission direction is 80% or more, a haze value of 5.3%, and a haze value to a linearly polarized light in an absorption direction is 30% or more (Table 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the haze values like those suggested by Ito et al. to prevent scattering and thereby provide better imaging. Taguchi et al. in view of Ito et al. disclose the claimed invention except for the haze value in a transmission direction being 5% or less. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the haze value 5% or less, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. One would have been further motivated to make the haze value 5% or less for the purpose of providing a clearer image. In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) See also In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

8. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LAF
January 30, 2006

MARK A. ROBINSON
PRIMARY EXAMINER